

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

NAVELLIER & ASSOCIATES, INC. and  
LOUIS NAVELLIER,  
Defendants.

Case No. 17-cv-11633-DJC

**JOINT STATEMENT CONCERNING FURTHER REMEDIES BRIEFING**

Pursuant to the Court's September 1, 2020 Order (ECF # 325), the parties submit this joint statement proposing a case schedule for the filing of proposed findings of fact and conclusions of law regarding disgorgement. Counsel for the parties discussed the briefing schedule on September 14 and 15, but were unable to agree about the sequence and timing of briefs. Accordingly, the parties each submit a schedule below:

**PROPOSED BRIEFING SCHEDULE**

**Commission's Statement**

The Commission requests the following schedule:

October 30, 2020	Plaintiff submits proposed findings of fact and conclusions of law with supporting memorandum
November 13, 2020	Defendants submit proposed findings of fact and conclusions of law with supporting memorandum and response to Plaintiff's filings
November 23, 2020	Plaintiff submits reply

Plaintiff requests this schedule because (1) Plaintiff's counsel has two dispositive motion filings due in other cases in the next 30 days, and (2) findings and conclusions with supporting

materials will take time to assemble. There is no prejudice to the Defendants from this schedule because of the stay entered.

**Defendants' Statement**

Defendants request the following schedule:

September 30, 2020	Plaintiff submits proposed findings of fact and conclusions of law with supporting memorandum
October 14, 2020	Defendants submit their response to proposed findings of fact and conclusions of law with supporting memorandum

Defendants believe this schedule is appropriate because the Commission moved the Circuit Court to remand the disgorgement ruling of this Court after the *Liu* decision, and should be required to file its brief first, with the Defendants getting to respond. In addition, Defendants request that if the Commission is granted leave to reply, that Defendants be granted leave to sur-reply.

Dated: September 15, 2020

Respectfully submitted,

**SECURITIES AND EXCHANGE  
COMMISSION**

By its Attorneys,

/s/ Marc J. Jones  
Marc J. Jones (Mass. Bar #645910)  
Jennifer A. Cardello (Mass Bar No. 657253)  
William J. Donahue (Mass. Bar No. 631229)

Boston Regional Office  
33 Arch Street  
Boston, MA 02110  
(617) 573-8947 (Jones direct)  
(617) 573-4590 (fax)  
[JonesMarc@sec.gov](mailto:JonesMarc@sec.gov)

**CERTIFICATE OF SERVICE**

I certify that on September 15, 2020, a copy of the foregoing was electronically filed through the ECF system and will be sent electronically to all persons identified in the Notice of Electronic Filing and that paper copies will be sent to those indicated as non-registered participants.

Dated: September 15, 2020

/s/ Marc J. Jones